

DISCUSSION OF THE CLAIMS

Claims 1, 11, 17, 22-28, 30-41, 43 and 45-49 are active in the present application.

Claims 2-10, 12-16, 18-21, 29, 42 and 44 are canceled claims. Claims 46-49 are new claims.

Support for the new claims is found in the paragraph bridging pages 10 and 11 of the specification.

No new matter is added.

REMARKS

Present independent Claims 1 and 23 recite surface-hydrophobated water-absorbing polymer particles having a silicone compound chemically bonded to the surface thereof. Otsuka (JP05-070322 and the English translation thereof) does not disclose or suggest any polymer particle chemically bonded to a silicone compound. The rejection of the claims is thus not supportable and should be withdrawn.

The Office cites to paragraph [0022] of the English translation of Otsuka as evidence that the cited art discloses the surface-hydrophobated water-absorbing polymer particles of the present claims. Applicants submit that this is not correct. At best, Otsuka discloses “subjecting one or more types of powders such as talc, kaolin, zinc oxide, titanium dioxide, mica and sericite to a hydrophobization treatment.” The types of powders disclosed in paragraph [0022] of the English translation of Otsuka are not the polymer particles of the present claims. Further, the hydrophobization treatment of Otsuka does not form a particle that is chemically bonded to a silicone compound.

Applicants submit that even if Otsuka discloses compositions that may include resin particles and one or more siloxanes, such mixtures are not the polymer particles of the present claims.

Applicants submit that it is readily evident that the generic polysiloxanes disclosed in paragraph [0022] of Otsuka are chemically inert materials that do not chemically bond with polymer particles. As support Applicants submit herewith a publication obtained from the Dow Corning website as evidence that generic siloxanes are inert materials that do not react with generic polymer particles. Applicants note that the second sentence of the first full paragraph of page 1 of the attached technical information shows that silicones are organosiloxanes and thus the Dow Corning publication is relevant to the siloxane-based materials of the present claims.

Applicants draw the Office's attention to the first full sentence of the first paragraph of page 3 and the last four lines of Table 3 on page 3. Applicants submit that this disclosure is factual evidence proving that those of ordinary skill in the art would readily recognize that generic siloxanes are chemically inert materials that do not form chemical bonds with generic polymer materials.

The Office's assertion that Otsuka discloses the surface-hydrophobated water-absorbing polymer particles of the present claims is not correct for at least two reasons: (1) paragraph [0022] of Otsuka does not disclose polymer particles treated with a silicone compound, and (2) Otsuka's hydrophobization treatment does not form a chemical bond between a substrate, e.g., a polymer particle, and a silicone compound. The rejection is therefore not supportable and should be withdrawn.

The polymer particles recited in independent Claims 1 and 23 have an average particle diameter of 0.1 to less than 10 μm . Applicants submit that the Office's reliance on the combination of Otsuka with Masashi (AU 25757/95) to reject one or more of the dependent claims is further not supportable for the reason that Masashi explicitly discloses particles having a particle size range that is outside of the 0.1 to less than 10 μm range recited in the present claims.

Moreover, Masashi teaches away from the presently claimed invention by explicitly disclosing that particles having a particle size of less than 10 μm form compositions having undesirable characteristics. For example:

...particles having a smaller particle size tend to form lumps at the time of water absorption to deteriorate the water absorption rate,

See page 9, lines 2-4 of Masashi.

Applicants thus submit that Masashi teaches away from the presently claimed invention and the Office's reliance on Masashi as support for the rejection is legally not supportable.

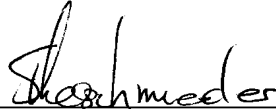
Applicants thus further submit that the rejection of the claims in view of Otsuka, alone or in combination with Masashi is not supportable and should be withdrawn.

For the reasons discussed above in detail, Applicants request withdrawal of the rejection and the allowance of all now-pending claims.

Applicants draw the Office's attention to new dependent Claims 46-49. The new dependent claims recite modes of chemical bonding between the silicone compound and the polymer particles, i.e., covalent bonding and ionic bonding. Otsuka fails to disclose or suggest any composition containing polymer particles which are covalently and/or ionically bonded to a silicone compound.

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